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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. 1491/96

New Delhi this the 18th day of July, 1996.

Hon'ble Mr. Justice A.P. Ravani, Chairman.

Hon'ble Mr. R.K. Aahooja, Member(A).

Hari Chand,
House No. 53/5,
Sanyat Line,
Delhi Cantt-10.

... Applicant.

By Advocate Shri N. Ranganathaswamy.

Versus

1. Union of India through
Secretary Defence,
Ministry of Defence,
South Block,
New Delhi-110011.
2. The Adjutant General's Branch,
Org-4 (Civil),
Army HQ DHQ PO Delhi.
3. The Station Commander,
Station HQ,
Delhi Cantt-10.
4. Adm Comdt,
Station HQ,
Delhi Cantt-10.
5. DAA and QMG,
Station HQ,
Delhi Cantt-10.
6. Station Staff Officer,
SSO(B),
Station HQ,
Delhi Cantt-10.

... Respondents.

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani, Chairman.

The applicant is serving as Safaiwala with the office of Respondent No. 5, DAA and QMG, Station HQ, Delhi Cantt-10. The applicant prays that the respondents should be directed to pay his wages and allowances for the period commencing from January 1, 1995 to June 30, 1996 together with interest @ 12% per annum. According to the applicant, he has not been paid pay and allowances for the period commencing from

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January 1, 1995 to October 13, 1995 though he had availed of leave for the aforesaid period. It is his further contention that for the period commencing from October 16, 1995 to June 30, 1996, he has performed duty and yet he has not been paid his wages and allowances. It is further averred that he has made representations to various authorities and the latest representation is made on April 8, 1996 as stated in para 6 of the application. He has not received any reply as regards the representation made by him.

2. Having regard to the facts and circumstances of the case, we are of the opinion that instead of entertaining the main application, it would be proper to give the following directions to the respondent/authority and dispose of the application at this stage inasmuch as the following directions would meet the ends of justice:

- (i) The applicant is directed to file six copies of the application with the Registry of the Tribunal latest by July 22, 1996.
- (ii) Respondent No. 5 is directed to treat this O.A. itself as a representation made to him and decide the question as to whether the applicant is entitled to claim the pay and allowances for the period, in question. He shall take the aforesaid decision on merits in accordance with the law, latest by September 30, 1996. A copy of the decision that may be taken by him shall be served upon the applicant by Registered AD post and also by ordinary post under Certificate of Posting. The copy of the decision shall be despatched within a period of three days from the date of taking of the decision.

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(iii) If the applicant feels aggrieved by the decision that may be taken by Respondent No. 5, it would be open to the applicant to challenge the legality and validity of the same before the appropriate forum.

(iv) Since this order is passed *ex parte* without issuing notice, it is clarified that it would be open to the respondents to seek modification and/or clarification of the order from this Tribunal within a period of 15 days from the date of receipt of the order.

(v) The Registry is directed to send copy of the order to all the respondents immediately, latest by July 25, 1996.

3. Subject to the aforesaid observations and directions, the application stands disposed of at this stage.


(R.K. Amooja)
Member (A)


(A.P. Ravani)
Chairman

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